

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 24-02-2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.865 OF 2016

KR.Solaimuthu,
Proprietor of EXPO SKIN,
No.158, Thiruneermalai Main Road,
Chromepet,
Chennai-600 044.

Petitioner

-vs-

1.The Commissioner,
Pallavaram Municipality,
Chennai-600 044.

2.P.Dhanasingh
3.D.Jayaprakash

Respondents

Petitions under Article 226 of the Constitution of India, praying for issuance of a writ of certiorari, to call for the records relating to the impugned order of the first respondent, bearing proceedings No.UAC No.46/2015/F1, dated 23.12.2015, served on 04.01.2016, purported to have been issued under the provisions of T.N.District Municipalities Act,1920.

For petitioner : Mr.D.Veerasekaran
For respondent 1 : Mr.P.Srinivas
For respondents2&3: M/s.K.M.Vijayan Associates

O R D E R

Petitioner has filed this Writ Petition, challenging the notice issued by the first respondent, stating that the compound wall has been increased to a height of 5 ft., unauthorisedly.

2. Petitioner would state that the compound wall has been in existence for about 38 years and during October,2015, there was a theft, which was also widely published in the newspapers and, therefore, in order to secure the petitioner's property, the compound wall has been strengthened and heightened.

3. Prima facie, it appears to be not an unauthorised construction, except to raise the compound wall to a certain

height. Therefore, the allegation of unauthorised construction cannot be a ground to demolish the compound wall, especially, when the petitioner is an industry.

4. This Court can take judicial notice of the fact that several Municipalities/Corporations have turned a blind eye to various unauthorised constructions within their areas, and only when the neighbour/public interest litigant points out to the same and approaches this Court, they wake up. The present attempt of the respondent municipality appears to be for certain other reasons. Hence, the impugned order is held unsustainable.

5. Writ Petition is allowed. No costs. Consequently, the connected W.M.P.Nos.675 and 676 of 2016 are closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

dixit

To

The Commissioner,
Pallavaram Municipality,
Chennai-600 044.

+1 cc to M/s.D.Veerasekaran Advocate sr.11815

+1 cc to M/s.K.M.Vijayan Associates Advocate sr.11839

W.P.No.865 OF 2016

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